

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**IN RE ETHICON, INC. PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY  
LITIGATION**

**CIVIL ACTION NO. 2:12-md-02327  
MDL No. 2327  
Hon. Judge Joseph R. Goodwin**

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**This document applies to:**

**Lora Burke v. Ethicon, Inc. et al.  
Civil Action No.: 2:15-cv-12902**

**Teresa Reece v. C.R. Bard, Inc., et al  
Civil Action No.: 2:17-cv-04556**

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**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR ORDER REGARDING  
DISPOSITION OF NON-REVISION GYNECARE TVT  
PRODUCTS CASES**

NOW COME the above-referenced Plaintiffs, by and through the undersigned counsel, and in response to the motion of the Defendants, Ethicon, Inc. and Johnson & Johnson ("Ethicon") regarding the disposition of non-revision Gynecare TVT Products Cases (ECF Doc. 5313) set forth the following:

On March 2, 2018, Ethicon filed *Defendants' Motion for Order Regarding Disposition of Non-Revision Gynecare TVT Products Cases* (ECF Doc. 5313), which proposes a disposition of cases in which the plaintiff has not undergone a revision procedure. Accompanying the motion as Exhibit A is a list of cases that Ethicon maintains are cases in which the plaintiff has a Gynecare TVT product implanted and has had no revision procedure performed.

On March 14, 2018, Ethicon filed a Motion to Amend Exhibit A (including Appendix 1 and 2) to Ethicon's Motion for Order Regarding Disposition of Non-Revision Gynecare TVT Product Cases (ECF 5141-1).

The case of Lora Burke v. Ethicon, Inc. et al (*Civil Action No.: 2:15-cv-12902*) is included on Ethicon's Amended Exhibit A (Appendix 2) which lists plaintiffs who have not undergone a revision procedure. In actuality, this Plaintiff underwent a revision procedure of her Gynecare TVT device and is improperly included in Ethicon's motion. Plaintiff's counsel has informed Ethicon that this case is improperly included in Defendants' motion pertaining to non-revision cases. The Plaintiff files this response to preserve her claim and avoid dismissal to the extent that Ethicon's motion is granted.

The case of Teresa Reece v. C.R. Bard, Inc., et al is included on Exhibit A which lists plaintiffs that Ethicon maintains are cases in which the plaintiffs have a Gynecare TVT product implanted and have had no revision procedure performed. However, this Plaintiff underwent a revision procedure of her Gynecare TVT device and is improperly included in Ethicon's motion. Plaintiff's counsel has informed Ethicon that this case is improperly included in Defendants' motion pertaining to non-revision cases. The Plaintiff files this response to preserve her claim and avoid dismissal to the extent that Ethicon's motion is granted.

Respectfully submitted,

By: /s/Caryn M. Papantonakis

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**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that on March 16, 2018, this Response to Defendants' Motion for Order Regarding Disposition of Non-revision Gynecare TVT Products Cases was served via the Court's CM/ECF system on all parties of record.

/s/Caryn M. Papantonakis  
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